

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:	:	Chapter 9
	:	
CITY OF CHESTER, PENNSYLVANIA	:	Case No.: 22-13032-amc
	:	
Debtor.	:	
	:	

**LIMITED OBJECTION AND RESERVATION OF RIGHTS OF THE
ELECTED OFFICIALS TO THE MOTION OF DEBTOR TO REJECT
THE PARKING AGREEMENT BETWEEN THE CITY AND
PFS VII LLC EFFECTIVE AS OF THE PETITION DATE**

Thaddeus Kirkland, as Mayor of the City of Chester, and the members of city council of the City of Chester (the “Elected Officials”) object and reserve their rights with respect to the *Motion of Debtor to Reject the Parking Agreement Between the City and PFS VII LLC Effective as of the Petition Date* (the “Motion”)¹ filed by Michael Doweary (the “Receiver”) on behalf of the debtor, the City of Chester (the “City”):

1. The Motion seeks to reject the Parking Agreement pursuant to Section 365(a) of the Bankruptcy Code.² The Elected Officials do not object to the Court authorizing the debtor to reject the Parking Agreement.

2. However, the Elected Officials continue to be vested with the authority to make governance decisions for the City and rejection of the agreement may not occur without the formal approval of the Elected Officials at an open public meeting. The Court lacks jurisdiction to interfere with this governance right. 11 U.S.C. § 904.

¹ ECF No. 18.

² Motion, para. 23.

3. As a result, the Motion should not be approved unless rejection of the Parking Agreement is expressly conditioned upon formal approval of the Elected Officials in the manner required by applicable non-bankruptcy law.

Date: November 30, 2022

BUCHANAN INGERSOLL & ROONEY PC

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